

## **APPENDIX D**

### **NAPA MUNICIPAL CODE CHAPTERS 13.09, 13.10, 13.12**

## Chapter 13.09

### PERMANENT WATER CONSERVATION REGULATIONS\*

#### Sections:

#### 13.09.010 New development and remodels.

*EDITOR'S NOTE: Ordinance 4305 (PC) an urgency ordinance regarding Water Shortage Regulations expired and was not extended. Said ordinance enacted Sections 13.10.070 and 13.12.070, New Development and Remodels. Reference now 13.09.010*

#### 13.09.010 New development and remodels.

A. New development shall completely offset its water requirements by installing ultra low-flush toilets which use no more than 1.6 gallons per flush and which meet performance standards established by the American Society of Mechanical Engineers Standards A112.19.2M and A112.19.6 in a sufficient number of existing residences having toilets that use three and one-half gallons or more per flush. Other existing noncommercial and commercial facilities may also be retrofitted to offset new development, by installing ultra low-flush toilets which use no more than 1.6 gallons per flush and/or urinals which use no more than one gallon per flush and which also meet the above performance standards. Any new development which obtained a building permit prior to January 16, 1991 and whose foundation was constructed prior to May 8, 1991 shall be exempted from this requirement.

1. New dwelling units offered for sale shall be exempt from this retrofit requirement if the monthly housing costs are not greater than thirty percent of one hundred percent of the median family income for Napa County. "Monthly housing costs" shall include the payment of principal and interest on the mortgage loan, utility cost, taxes and insurance.

2. New rental units shall be exempted from this retrofit requirement if the monthly housing costs (rent and utilities) are not greater than thirty percent of eighty percent of the median family income for Napa County.

3. The maximum income limits and monthly housing costs allowable for this retrofit exemption are as set forth in "Exhibit A" to Resolution 89-480. The housing authority of the city shall revise these figures on an annual basis.

4. The housing authority of the city shall certify on initial sale or renting that each affording dwelling unit qualifies for the retrofit exemption.

B. In the event the water general manager determines that actual retrofitting of existing residences, other noncommercial facilities, or commercial facilities is impractical or constitutes an unusual hardship on an applicant, the manager may authorize the payment to the city of an in-lieu retrofit fee equivalent to the cost of retrofitting a sufficient number of existing residences, other noncommercial facilities, or commercial facilities with ultra low-flush toilets, urinals, and other required water saving devices as described in paragraph D. The fee shall also include the cost of staff time to accomplish the required retrofitting using the fees collected. The in-lieu fee may be established by resolution. The water department is authorized to require retrofitting and not accept in-lieu retrofit fee, regardless of hardship, if it appears unlikely the city can complete retrofitting prior to the expected occupancy.

C. All residences, other noncommercial facilities, or commercial facilities that are retrofitted with toilets and/or urinals shall also be retrofitted with the following water saving devices: shower heads emitting no more than 2.5 gallons per minute, interior faucet aerators that emit no more than 2.2 gallons per minute.

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D. The city water department will determine the number of existing residences, other noncommercial facilities, or commercial facilities that will offset the water use of each new development and must verify that the retrofits have been completed prior to issuance of a certificate of occupancy. The city is authorized to charge the developer a fee for the staff time spent on any retrofit requirements. In the event that an in-lieu fee has been paid, the city water department will administer a program to retrofit existing residences, other noncommercial facilities, or commercial facilities using the fees collected. In-lieu fees must be paid upon issuance of a building permit so that sufficient time exists for the retrofits to be made prior to occupancy of the new development.

E. All new development shall use water closets and associated flush/o/meter valves, if any, which use no more than 1.6 gallons per flush and which meet performance standards established by the American Society of Mechanical Engineers Standards A112.19.2M and A112.19.6 and urinals and associated flush/o/meter valves, if any, which use no more than one gallon per flush and which also meet the above performance standards.

F. In the city, building permits, certificates of occupancy and/or water connections can be withheld pending compliance with these regulations. In the county, water service will be withheld pending compliance.

G. Residential remodeling would trigger a retrofit if the remodeling involved work that would increase water use, such as adding or remodeling a bathroom, adding a bedroom, granny unit, hot tub, spa, pool or laundry. Remodeling that does not increase water use, such as reroofing, adding a family room or increasing the size of a room would not trigger a retrofit. (Ord. 4305 § 1 (part), 1992; Ord. No. 093-010, Enacted, 04/06/1993; Ord. No. O2001 22, Amended, Sec 1, 11/6/2001)

## Chapter 13.10

### MODERATE WATER SHORTAGE REGULATIONS

#### Sections:

<b>13.10.010</b>	<b>Purpose and scope.</b>
<b>13.10.020</b>	<b>Findings.</b>
<b>13.10.030</b>	<b>Definitions.</b>
<b>13.10.040</b>	<b>Water use regulations.</b>
<b>13.10.050</b>	<b>Prohibitions and limitations.</b>
<b>13.10.060</b>	<b>Water use guidelines.</b>
<b>13.10.070</b>	<b>Reserved.</b>
<b>13.10.080</b>	<b>Appeals.</b>
<b>13.10.090</b>	<b>Responsibility of owners, landlords, employers, property managers and contractors.</b>
<b>13.10.100</b>	<b>Civil fines authorized.</b>
<b>13.10.110</b>	<b>Civil fines established.</b>
<b>13.10.120</b>	<b>Violation--Penalty.</b>

#### **13.10.010 Purpose and scope.**

This chapter adopts regulations to deal with a moderate water shortage emergency. These regulations shall become effective immediately upon approval by the city council of a resolution declaring the existence of a moderate water shortage and shall remain in effect until the city council finds that the moderate water shortage no longer exists. (Ord. 4305 § 1 [part], 1992)

#### **13.10.020 Findings.**

The city council finds, determines and declares that the following facts are true:

A. The regulations set forth herein are necessary and proper to protect the water supply for human consumption, sanitation and fire protection during the duration of the shortage.

B. This chapter shall apply to customers receiving water from the city and expressly applies to customers outside the city limits pursuant to the city's charter powers and Water Code Section 355 et seq. and 375 et seq. (Ord. 4305 § 1 [part], 1992)

#### **13.10.030 Definitions.**

The following terms are defined for the purpose of this chapter:

"Customer" means the person responsible for paying for each water service account on the city of Napa or Congress Valley water district's water distribution system, both inside city limits and outside city limits.

"Domestic use" means any water used by a person for cooking, cleaning, bathing, washing clothes, drinking and sanitation.

"Irrigation customer" means any customer that is using water for the sole purpose of landscape irrigation.

"New development" means any of the following construction projects that have not received a certificate of occupancy from either the city or county building department prior to March 6, 1991 or that was issued a building permit after January 15, 1991:

A. Any free-standing building that contains water-using fixtures;

B. Any floor area additions to existing nonresidential structures;

C. Any residential additions or remodeling that increases the number of independent living units.

"Person" means any individual, firm, partnership, association, corporation, company, organization or governmental agency.

"Retrofit an existing house" means to replace all the toilets, shower heads, and faucet aerators in the house not complying with the flow requirements as stated in this chapter.

"Ultra low-flush toilet" means any toilet which uses no more than 1.6 gallons per flush and meets performance standards established by the American Society of Mechanical Engineers Standard A112.19.2.M.

"Water" means any water that is supplied by the city's water distribution system. (Ord. 4305 § 1 [part], 1992)

#### **13.10.040 Water use regulations.**

A. Each customer shall make every attempt possible to reduce water usage by the amount specified in the city council resolution declaring the moderate water shortage.

B. The Congress Valley water district must enact and enforce water use regulations identical to those water use regulations included in this chapter.

C. Interruptible surplus agricultural water contracts are suspended during the water shortage period as no surplus water is available.

D. No single-family residence shall use more than fifty thousand gallons of water bimonthly unless a specific allocation is approved by the water general manager based on criteria established by the public works department.

E. A special drought block-rate structure will be established by resolution to meet the budgetary obligations of the water division caused by the need to reduce water consumption, the possible need to purchase supplemental water, and the need to administer and enforce this chapter. Additional blocks will be established. Rate changes will be smallest for the lower usage blocks and greatest in the highest usage blocks to encourage conservation efforts.

F. The drought rates will be applied to all water used. In addition, a penalty will be charged for the use of water quantities that exceeds fifty thousand gallons bimonthly for single-family residences. Where additional allocations have been approved for specific single-family residential customers, penalties will be charged for the use of water quantities that exceed the higher allocation. The penalty charge will be two times the highest applicable inside city block rates. (Ord. 4305 § 1 [part], 1992)

#### **13.10.050 Prohibitions and limitations.**

A. No customer or person shall waste water. As used herein, the term "waste" means:

1. Use of water for decorative fountains where the water is not recirculated;
2. Washing cars, boats, trailers, aircraft or other vehicles by hose without a shutoff nozzle except commercial or fleet vehicle washing facilities operated at fixed locations;
3. Washing streets, sidewalks, walkways, driveways, patios, parking lots or other hard-surfaced areas with water, except as required for health and safety;
4. Watering lawns or gardens in a manner which results in runoff in gutter or other waterway, or excessive overspray of patios, driveways, walks or streets;
5. Serving water to restaurant patrons unless specifically requested;
6. Withdrawing water from fire hydrants, except for firefighting, firefighting training and water system maintenance purposes;
7. Use of water for cleaning streets during or following construction activities; flushing sewers and storm drains; and flow testing for fire sprinkler design;
8. Use of water for grading, dust control, street, pipeline or similar heavy construction. Hydrant meters shall not be issued for construction purposes.

B. No person or customer shall irrigate landscaping between the hours of ten a.m. and five p.m., except for the initial watering of newly planted landscaping and germination requirements of newly seeded lawns.

C. Water for hauling shall be supplied at the city Corporation Yard only. Prior approval from the water division is required. Water shall not be supplied for construction purposes. Tanker trucks hauling for domestic use must be certified to carry potable water.

D. All projects for which the planning department requires approved landscape plans must adhere to the city's xeriscape standards in order to obtain plan approval.

E. Draining and refilling of swimming pools shall be permitted only as needed for the purpose of pool repair or to correct a severe chemical imbalance. Draining and refilling of decorative ponds and lakes shall be permitted only as needed for the purpose of lining the bottom to prevent absorption. (Ord. 4305 § 1 [part], 1992)

**13.10.060 Water use guidelines.**

All persons are encouraged to use the following water conservation guidelines:

A. Establish procedures in the home and business to recycle water where possible;

B. Use water in a manner which minimizes waste and repair leaks as soon as possible;

C. Install low-flow shower heads and ultra low-flush toilets;

D. Refrain from additional irrigation and unnecessary use of water, such as car washing, on days when the temperature exceeds eighty-five degrees F. Customers with manual systems should irrigate only on odd numbered days if the property address is an odd number and on even numbered days if the property address is an even number;

E. All new or replacement landscaping should be designed and installed in accordance with the city's xeriscape standards in order to be water efficient. Lawns should comprise no more than twenty-five percent of the area landscaped, and the remaining areas should be planted with low water-using trees and plants and irrigated with a drip system. those projects for which the planning department requires an approved landscape plan must follow the xeriscape standards in order to receive approval. (Ord. 4305 § 1 [part] 1992)

**13.10.070 Reserved.**

*EDITOR'S NOTE: Ordinance 4305 (PC), an urgency ordinance regarding Water Shortage Regulations expired and was not extended. Said ordinance enacted Sections 13.10.070 and 13.12.070, New development and remodels. Reference now 13.09.010.*

**13.10.080 Appeals.**

Exceptions to the above allocations and prohibitions may be made for the protection of public health or safety or undue hardship including adverse economic impacts such as loss of production or jobs. Any exceptions are subject to the following requirements and procedures:

A. Any person who wishes to make an appeal shall do so in writing by using the form provided by the water department.

B. The appeal shall be reviewed by the general manager of the water division or the manager's designee or designees.

C. It must be shown that there are no alternatives to the use of city water and that all appropriate conservation measures are being used.

D. Verification may be required of any condition/situation listed on application for exception.

E. The decision of the general manager of the water division (or his or her designee) will be final. (Ord. 4305 § 1 [part], 1992)

**13.10.090 Responsibility of owners, landlords, employers, property managers and contractors.**

A. Every customer who has requested city water service is responsible for civil penalties for water waste whether or not the acts of water waste are committed by that person or third parties. The civil penalty may be reduced or discharged if the water waste was beyond the control of the customer and if all reasonable means had been previously taken to prevent water waste. "All reasonable means" includes, but is not limited to,

securing hose bibbs, written warnings to tenants or other water users and amendments to rental agreements where permitted by the lease.

B. Every employer is responsible for civil penalties for acts of water waste committed by employees.

C. Every property manager is responsible for civil penalties for acts of water waste resulting from irrigation prohibited by this chapter.

D. Every licensed contractor or development owner is liable for acts of water waste committed on the job site. (Ord. 4305 § 1 [part], 1992)

#### **13.10.100 Civil fines authorized.**

A. Acts of water waste and other acts prohibited by this chapter are subject to civil fines as herein prescribed. Any person receiving an administrative citation may appeal it within ten business days from the date the citation was issued. The notice of appeal for administrative citations must be made in writing and filed in the public works department.

B. Civil fines are payable at the city collections office. Fines must be paid within ten business days. If an appeal is filed, the bail for the fine must be paid within said ten days.

C. The finance department is authorized to collect all unpaid civil fines. (Ord. 4305 § 1 [part], 1992)

#### **13.10.110 Civil fines established.**

A. All violations of this chapter are subject to a civil fine of fifty dollars for a first offense, one hundred fifty dollars for a second offense and three hundred dollars for a third offense.

B. Violations of Sections 13.10.050(A)(7-8) are subject to a civil fine of five hundred dollars for a first offense and one thousand dollars for a second offense.

C. Violations of Section 13.10.050(A)(6) are subject to a civil fine of two thousand five hundred dollars per occurrence.

D. Filing a false certificate of compliance for any requirement contained in this chapter shall be subject to a civil fine of ten thousand dollars for each offense. (Ord. 4305 § 1 [part], 1992)

#### **13.10.120 Violation--Penalty.**

Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding one thousand dollars or be imprisoned in the county jail for a period not exceeding six months or be both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Ord. 4305 § 1 [part], 1992)

## Chapter 13.12

### SEVERE WATER SHORTAGE REGULATIONS

#### Sections:

13.12.010	Purpose and scope.
13.12.020	Findings.
13.12.030	Definitions.
13.12.040	Water allocation regulations for twenty percent reduction.
13.12.050	Prohibitions and limitations.
13.12.060	Water use guidelines.
13.12.070	Reserved.
13.12.080	Appeals.
13.12.090	Customer responsibilities.
13.12.100	Civil fines authorized.
13.12.110	Civil fines established.
13.12.120	Penalties.

#### 13.12.010 Purpose and scope.

This chapter adopts regulations to deal with a severe water shortage where a reduction in consumption of twenty percent must be mandated. These regulations become effective immediately upon approval by the city council of a resolution declaring the existence of a severe water shortage and shall remain in effect until the city council finds that the severe water shortage no longer exists. (Ord. 4305 § 3 [part], 1992: prior code § 29-100)

#### 13.12.020 Findings.

The city council finds, determines and declares that the following facts are true:

A. The regulations set forth herein are necessary and proper to protect the water supply for human consumption, sanitation and fire protection during the duration of the shortage.

B. This chapter shall apply to customers receiving water from the city and expressly applies to customers outside the city limits pursuant to the city's charter powers and Water Code Section 355 et seq. and 375 et seq.

C. Due to said severe water shortage, the city finds it reasonable and necessary for the temporary period of the drought to partially suspend and modify that certain agreement (as amended) between the city and the state to supply water to the Napa State Hospital and the Veteran's Home of California. Special circumstances with respect to said customer includes: the findings set forth in the resolution finding a drought induced water shortage emergency exists; the state is the city's largest water user having used 133 million gallons of water during 1990; the state has large amounts of outside landscaping, and the state has access to alternative sources of water, such as Rector Dam. Therefore, notwithstanding said agreement, the state shall be given a water allocation as allowed for other water customers as per Section 13.12.040(B)(1). Said allocation may be increased pursuant to agreement between the city and the state if the agreement for the use of Rector Dam water can be reached. (Ord. 4305 § 3 [part], 1992: prior code § 29-101)

#### 13.12.030 Definitions.

The following terms are defined for the purpose of this chapter:

"Customer" means the person responsible for paying for each water service account on the city or Congress Valley Water District's water distribution system, both inside city limits and outside city limits.



"Domestic use" means any water used by a person for cooking, cleaning, bathing, washing clothes, drinking and sanitation.

"Historical" means the available water consumption data from mid-1987 to the end of 1990.

"Irrigation customer" means any customer that is using water for the sole purpose of landscape irrigation.

"New development" means any of the following construction projects that have not received a certificate of occupancy from either the city or county building department prior to March 6, 1991 or that was issued a building permit after January 15, 1991:

1. Any free-standing building that contains water-using fixtures;
2. Any floor area additions to existing nonresidential structures;
3. Any residential additions or remodeling that increases the number of independent living units.

"Person" means any individual, firm, partnership, association, corporation, company, organization or governmental agency.

"Retrofit an existing house" means to replace all the toilets, shower heads, and faucet aerators in the house not complying with the flow requirements as stated in this chapter.

"Ultra low flush toilet" means any toilet which uses no more than 1.6 gallons per flush and meets performance standards established by the American National Standards Institute Standard A112.19.2.

"Water" means any water that is supplied by the city's water distribution system. (Ord. 4305 §§ 3 [part], 4, 1992; prior code § 29-102)

#### **13.12.040 Water allocation regulations for twenty percent reduction.**

A. A water use allocation will be given to each new and existing water customer of the city. The goal of the allocation program is to reduce water use throughout the service area by an overall amount of twenty percent from the pre-drought consumption levels.

B. No customer shall use water in excess of allocations determined as follows:

1. Each existing customer shall receive a bimonthly allocation equal to ninety percent of his/her average historical winter consumption plus seventy percent of historical water usage in excess of the average historical winter consumption for each non-winter billing period. These percentages may be adjusted by five percent higher or lower as needed to achieve the twenty percent system-wide goal. If adjustments are made, they will be applied in a similar way for all customers;

2. Each irrigation customer shall receive a bimonthly allocation equal to seventy percent of his/her historical consumption. These percentages may be adjusted by five percent higher or lower as needed to achieve the twenty percent system-wide goal. If adjustments are made, they will be applied in a similar way for all customers;

3. City parks and recreation department and Napa Valley College shall receive an annual allocation equal to seventy-five percent of their 1987 usage;

4. The Napa Valley Unified School District (NVUSD) shall receive an annual allocation equal to seventy-five percent of its 1986 usage;

5. The Town & Country Fairgrounds shall receive an annual allocation of eighty percent of its 1987 usage. City water shall not be used for dust control;

6. Customers with incomplete historical consumption records shall receive bimonthly allocations based upon the records available and/or computations using similar customer's historical consumption records;

7. New development shall receive an allocation as determined by Section 13.12.070;

8. Allocations will not be reduced below the historical water usage so long as the historical water usage is below ten thousand gallons bimonthly;

9. No single family residence shall receive an allocation more than fifty thousand gallons bimonthly.

C. Water used for the public swimming pools operated by NVUSD will be excluded from their annual allocation if they are kept open during the summer months for public use.

D. The Congress Valley Water District must enact and enforce a water conservation program identical to those water conservation programs adopted by the city.

E. The city's fifty largest water users shall submit a water conservation plan to implement all reasonably feasible water conservation measures. Any such user shall reduce all landscape irrigation to no greater than seventy percent of historical irrigation usage.

F. Interruptible surplus agricultural water contracts are suspended during this water shortage period as no surplus water is available.

G. A special drought block rate structure will be established by resolution to meet the budgetary obligations of the water division caused by the need to purchase supplemental water supplies and to administer and enforce this chapter. Additional blocks will be established. Rate changes will be smallest for the lower usage blocks and greatest in the highest usage blocks to encourage conservation efforts.

H. The drought rates will be applied to all water used. In addition, a penalty will be charged for the use of water quantities that exceeds twenty-five thousand gallons bimonthly and exceeds the customer's allocation. The penalty charge will be two times the highest applicable inside city block rate for the first offense, three times said rate for the second consecutive offense, and four times said rate for the third and subsequent consecutive violations. Upon the second offense or where the customer's historical average is exceeded by five percent or more, the city shall have the right to install a flow restrictor in the water meter, which reduces water flow and pressure, or may terminate service. At the end of the calendar year, any public entity given an annual allocation, such as NVUSD and the Town & Country Fairgrounds, will be billed a penalty equal to four times the applicable rate for water quantities that exceed their allocation. (Prior code § 29-103)

#### **13.12.050 Prohibitions and limitations.**

A. No customer or person shall waste water. As used herein, the term "waste" means:

1. Use of water for decorative fountains or the filling of decorative lakes or ponds;
2. Washing cars, boats, trailers, aircraft or other vehicles by hose without a shutoff nozzle except commercial or fleet vehicle washing facilities operated at fixed locations;
3. Washing streets, sidewalks, walkways, driveways, patios, parking lots or other hard-surfaced areas with water;
4. Watering lawns or gardens in a manner which results in runoff in gutter or other waterway, or excessive overspray of patio, driveway, walk or street;
5. Filling or refilling swimming pools with city water or water from any public agency within Napa County which prohibits the use of their water for filling or refilling of swimming pools including the Congress Valley Water District public water system. Water source arrangements shall be made and verified prior to issuance of building permit or draining of existing pools. Verification following delivery will also be required. This does not prohibit adding water to pools to maintain proper pool water levels resulting from normal use of the pool;
6. Serving water to restaurant patrons unless specifically requested;
7. Withdrawing water from fire hydrants, except for firefighting and water system maintenance purposes;
8. Use of water for cleaning streets during or following construction activities; flushing sewers, hydrants, storm drains; flow testing for fire sprinkler design and training of fire fighting personnel;
9. Use of water for grading, dust control, street, pipeline or similar heavy construction. Hydrant meters shall not be issued for construction purposes.

B. The installation of new or replacement lawn, sod, or turf by any customer or person is prohibited unless irrigation is provided from a well. New or replacement landscaping shall be limited to low water using plants watered with drip irrigation systems. The water division is authorized to adopt standards for and definitions of low-water-using shrubs, bushes and trees.

C. No person or customer shall irrigate landscaping between the hours of ten a.m. and five p.m.

D. Water shall not be used for the irrigation of any commercial crops, including vineyards. Violation of this provision shall be penalized by the installation of a flow restrictor or termination of service.

E. Water for hauling shall be limited to indoor domestic uses within Napa County and shall be supplied at the city corporation yard only. Prior approval from the water division is required. Tanker trucks must be certified to carry potable water. Verification of delivery to approved address is required.

F. All projects for which the planning department requires approved landscape plans must adhere to the city's xeriscape standards in order to obtain plan approval. Any project with a city-approved landscape plan that does not comply with the city's xeriscape standards may not install the landscaping while this chapter is in effect, unless the plan is revised to comply with the xeriscape standards. (Ord. 4305 § 3 [part], 1992; prior code § 29-104)

#### **13.12.060 Water use guidelines.**

All persons are encouraged to use the following water conservation guidelines:

A. Establish procedures in the home and business to recycle water where possible;

B. Use water in a manner which minimizes waste and repair leaks as soon as possible;

C. Install low flow shower heads and ultra low flush toilets;

D. Refrain from additional irrigation and unnecessary use of water, such as car washing, on days when the temperature exceeds eighty-five degrees Fahrenheit. Customers with manual systems should irrigate only on odd numbered days if the property address is an odd number and on even numbered days if the property address is an even number. There is a limit to the amount of water that can be imported daily from outside of Napa County due to the capacity of the city's treatment plant. When the daily peak demand exceeds that capacity, water must be drawn out of Lake Hennessey to meet the demand. This guideline helps to keep the daily demand down so that Lake Hennessey water can be saved for next year;

E. All new or replacement landscaping should be designed and installed in accordance with the city's xeriscape standards in order to be water efficient. Lawns should comprise no more than twenty-five percent of the area landscaped, and the remaining areas should be planted with low-water-using trees and plants and irrigated with a drip system. Those projects for which the planning department requires an approved landscape plan must follow the xeriscape standards in order to receive approval. (Prior code § 29-105)

#### **13.12.070 Reserved.**

*EDITOR'S NOTE: Ordinance 4305 (PC) , an urgency ordinance regarding Water Shortage Regulations expired and was not extended. Said ordinance enacted Sections 13.10.070 and 13.12.070, New development and remodels. Reference now 13.09.010.*

#### **13.12.080 Appeals.**

Exceptions to the above allocations and prohibitions may be made for the protection of public health or safety or undue hardship including adverse economic impacts, such as loss of production or jobs. Any exceptions are subject to the following requirements and procedures:

A. Any person who wishes to make an appeal shall do so in writing by using the form provided by the water department.

B. The appeal shall be reviewed by the general manager of the water division or his or her designee or designees.

C. It must be shown that there are no alternatives to the use of city water and that all appropriate conservation measures are being used.

D. Verification may be required of any condition/situation listed on application for exception.

E. The decision of the general manager of the water division (or his or her designee) will be final. (Prior code § 29-107)

**13.12.090 Customer responsibilities.**

A. Every customer who has requested city water service is responsible for civil penalties for water waste whether or not the acts of water waste are committed by that person or third parties. The civil penalty may be reduced or discharged if the water waste was beyond the control of the customer and if all reasonable means had been previously taken to prevent water waste. All reasonable means includes, but is not limited to, securing hose bibs, written warnings to tenants or other water users, and amendments to rental agreements where permitted by the lease.

B. Every employer is responsible for civil penalties for acts of water waste committed by employees.

C. Every property manager is responsible for civil penalties for acts of water waste resulting from irrigation prohibited by this chapter.

D. Every licensed contractor or development owner is liable for acts of water waste committed on the job site. (Prior code § 29-108)

**13.12.100 Civil fines authorized.**

A. Acts of water waste and other acts prohibited by this chapter are subject to civil fines as herein prescribed. Any person receiving an administrative citation may appeal it within ten business days from the date the citation was issued. The notice of appeal for administrative citations must be made in writing and filed in the public works department.

B. Civil fines are payable at the city collections office. Fines must be paid within ten business days. If an appeal is filed, the bail for the fine must be paid within said ten days.

C. The finance department is authorized to collect all unpaid civil fines. (Prior code § 29-109)

**13.12.110 Civil fines established.**

A. All violations of this chapter are subject to a civil fine of fifty dollars for a first offense, one hundred fifty dollars for a second offense, and three hundred dollars for a third offense.

B. Violations of Sections 13.12.050(A)(5), (A)(8), (A)(9), (B) or (D) are subject to a civil fine of five hundred dollars for a first offense and one thousand dollars for a second offense.

C. Violations of Section 13.12.050(A)(7) are subject to a civil fine of two thousand five hundred dollars per occurrence.

D. Filing a false certificate of compliance for any requirement contained in this chapter shall be subject to a civil fine of ten thousand dollars for each offense. (Prior code § 29-110)

**13.12.120 Penalties.**

Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding one thousand dollars or be imprisoned in the county jail for a period not exceeding six months or be both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Prior code § 29-111)